

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION

BRYAN R. PHILLIPS,

Plaintiff,

v.

TIM CASH, et al.,

Defendants.

1:24-CV-00090-DCLC-MJD

**ORDER**

Plaintiff, acting pro se, has now filed three motions to amend his Complaint. [Docs. 26, 30, 44]. The first two motions were denied without prejudice. [Docs. 41, 43]. Plaintiff was previously ordered to file a proper motion to amend, with a complete copy of the proposed second amended complaint attached, by November 21, 2024. [Docs. 41, 43]. On November 7, 2024, Plaintiff filed the instant motion to amend. [Doc. 44]. Plaintiff failed, for the third time, to include a copy of his proposed second amended complaint, in violation of Local Rule 15.1. Plaintiff has been instructed to do so at least five times. [Docs. 11, 27, 31, 41, 43]. The magistrate judge reviewed Plaintiff's third motion to amend [Doc. 44] and filed a Report and Recommendation (R&R) [Doc. 47]. The magistrate judge recommended that Plaintiff's third attempted motion to amend be denied without prejudice and that this case should proceed with the Amended Complaint [Doc. 17] as the operative complaint. No objections were filed to the R&R. *See* Fed. R. Civ. P. 72(b). The magistrate judge recommends that Plaintiff's third motion to amend be denied because the Court cannot determine whether the proposed second amended complaint complies with Fed. R. Civ. P. 15 or the Court's prior instructions.

The Court has reviewed the R&R and the record as a whole and finds that the R&R properly analyzes the issues presented. For the reasons set forth in the R&R, which are incorporated herein by reference, it is hereby **ORDERED** that the R&R [Doc. 47] is **ADOPTED**, and Plaintiff's motion to amend [Doc. 44] is **DENIED**. The parties shall proceed with the Amended Complaint [Doc. 17] as the operative complaint.

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge